



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

MICHAEL P. HEIN
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

General Information System (GIS) Message

Section 1

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From:	Jeffrey Gaskell, Deputy Commissioner Employment and Income Support Programs
Subject:	2 nd UPDATE - COVID-19 Questions and Answers
Effective Date:	Immediately
Contact Information:	Temporary Assistance (TA) Questions – TA Bureau 518-474-9344 or otda.sm.cees.tabureau@otda.ny.gov Employment Questions – Employment Bureau 518-486-6106 or otda.sm.eisp.eas@otda.ny.gov Supplemental Nutrition Assistance Program (SNAP) Questions – SNAP Bureau 518-473-1469 or otda.sm.cees.snap@otda.ny.gov

Section 2

The purpose of this GIS is to provide guidance to social services districts (districts) on meeting the needs of individuals and families who are applying for or receiving benefits and/or assistance through Temporary Assistance (TA) or Supplemental Nutrition Assistance Program (SNAP) in response to the outbreak of COVID-19 and the declaration of a State disaster emergency (Executive Order 202, March 7, 2020). In addition to guidance provided through [20 TA/DC016](#) on March 16, 2020, the Office of Temporary and Disability Assistance (OTDA) is providing the following responses to some frequently asked questions raised by districts. Please note that some timeframes indicated in this release may be extended due to the rapidly evolving situation.

Temporary Assistance

- Q1. Does the [LDSS-4530](#) “ASSIGNMENT OF WAGES, SALARY, COMMISSIONS OR OTHER COMPENSATION FOR SERVICES” need to be notarized during the State disaster emergency?
- A1. No, for interviews conducted by phone, districts must pend this eligibility requirement until the next in-person contact under the good cause provisions found at 18 NYCRR 351.26.
- Q2. If domestic violence (DV) shelters are full, can districts place DV victims in hotels during the State disaster emergency?

- A2. Yes, districts continue to have this option. In the event a district determines there is not a bed(s) available at a DV residential program located in the district or a contiguous district, arrangement should be made for another appropriate form of emergency shelter such as hotels/motels until a DV residential program becomes available. The costs of shelter would be the emergency shelter rate and *not* the DV residential program rate.
- Q3. During the State disaster emergency should we be imposing sanctions for non-compliance with drug and alcohol requirements?
- A3. Districts should not impose sanctions for non-compliance with a drug and alcohol assessment or for non-compliance with drug and alcohol treatment if these require in-person contact with providers. Districts must still impose sanctions for non-compliance with drug and alcohol screenings, without good cause, as these may now be completed via phone until April 11, 2020 in accordance with [20 TA/DC016](#).

Note: Districts should not take negative action against applicants or recipients for non-compliance with a TA eligibility requirement that requires in-person contact. Districts must waive these requirements under good cause provisions until otherwise instructed by OTDA. This should not only apply to eligibility and recertification interviews but for any action that requires in-person contact such as housing search and job search where good cause provisions exist.

Districts must continue to process all case actions, including case closings, that are not related to in-person contact.

- Q4. In GIS [20 TA/DC016](#) there is a statement that districts will be allowed flexibility on taking negative action on periodic reporting requirements for TA. What does this mean?
- A4. This refers to TA mail-in recertifications. Districts that use the TA mail-in recertification process should not take negative action on a TA case if the [LDSS-4887](#) "MAIL-IN RECERT/ELIGIBILITY QUESTIONNAIRE" is not returned.
- Q5. Are districts required to complete investigations for FEDS or EVR during the State disaster emergency?
- A5. No, districts should suspend FEDS and EVR investigations during this period in accordance with GIS 20 TA/WMS003.
- Q6. Will OTDA be suspending automated matches such as Paris, Death and the National Directory of New Hires?
- A6. OTDA is suspending the Paris match, Overdue Recert Process, and the National Directory of New Hires match. The Death match will continue to run; however, districts will not be required to review and take action on any exceptions for TA and SNAP clients that occur with multi-person households.
- Q7. Districts are investigating ways to allow staff to work from home during the State disaster emergency. What concerns does OTDA have?
- A7. Districts must continue to provide benefits and services for needy individuals. As long as districts maintain adequate staffing at their offices to meet client needs, and computer security and confidentiality rules are maintained for those staff working from home, then work from home options are encouraged. To protect confidentiality, paper case files must not be removed from the district office.
- Q8. How will districts receive applications or recertification applications to conduct telephone interviews?

- A8. There is no change in how districts will receive application or recertification applications. Applicants and recipients may drop off their application or recertification application at the district office or mail/fax them to the district. SNAP applications and recertifications may be completed online. Additionally, the district may direct clients to complete a TA recertification application through myBenefits. A district may elect to use a drop box that is checked at regular intervals throughout the day to allow individuals an option to avoid in-person contact. If a drop box is used for other documentation, verification slips may be mailed. Districts must check the drop box prior to closing for the day to ensure that any identified emergencies are addressed. Applications must be registered as soon as possible.
- Q9. If we are conducting phone interviews and asking for documentation to be sent to the district should we request original birth certificates?
- A9. A copy of the birth certificate is temporarily acceptable, with the understanding that the applicant must provide the original birth certificate at the next feasible opportunity. If the applicant has previously provided their original birth certificate and the district possesses documentation of such verification in its files, the applicant is not required to resubmit verification.
- Q10. Will the electronic Interim Assistance Reimbursement (eIAR) process be halted?
- A10. Under normal circumstances, districts have 25 working days to process pending IAR cases. However, in response to the COVID-19 outbreak, the Social Security Administration (SSA) has temporarily extended this processing deadline by one week. All other SSA operations in New York are continuing to follow normal procedures for eIAR. OTDA will advise districts if circumstances change. If a district is experiencing additional eIAR processing delays, the district should notify OTDA and SSA by emailing: otda.sm.EISP.eIAR@otda.ny.gov, NY.eIAR@ssa.gov and Patrick.Connolly@ssa.gov. Circumstances will be evaluated on a case by case basis.
- Q11. How can districts help individuals in Emergency Housing placements without cooking facilities obtain delivered meals?
- A11. Districts are encouraged to work with local health departments to arrange for food delivery as needed for those quarantined and to limit travel where possible. A broad range of community partners should be involved in efforts to develop a strategy to meet individuals nutritional needs. For example, local restaurants may be able to provide and deliver appropriate meals. Districts should document and track such expenditures to support any new future reimbursement opportunities related to the COVID-19 public health crisis.

Districts are reminded that 18 NYCRR 352.7(c) allows for an additional allowance for meals for those unable to prepare meals at home or who do not otherwise receive meals in their residences. A restaurant allowance of up to \$64.00 per month, per person, can be given to these individuals. Also, individuals can receive an additional allowance of \$36.00 monthly, per person, for home delivered meals. These additional allowances are for FA, SNA, EAF and ESNA.

To receive the home delivered meals allowance, the allowance would be entered in ABEL as an additional allowance code "13-Home Delivered Meals." The \$36.00 for home delivered meals would be in addition to the monthly restaurant allowance of up to \$64.00 monthly per person. The home delivered meals allowance could be restricted and issued to the provider using pay type "35 - Home Delivered Meals (PA GRANT)". The provider for the home delivered meals could become a vendor and would be issued a 1099 at the end of the year. Alternatively, the home delivered meals allowance could also be left unrestricted and provided to the recipient.

Supplemental Nutrition Assistance Program

OTDA continues to seek additional federal approvals to expand flexibility for SNAP case processing to reduce staff and applicant/recipient requirements. OTDA will provide additional guidance when existing federal rules are modified for this purpose.

Q1. Should districts take negative/adverse action on households that do not return their Periodic Report?

A1. The United States Department of Agriculture, Food and Nutrition Service (FNS), granted states a waiver to delay the processing of periodic reports for households due to file a periodic report during March, April and May. The waiver approves a delay in processing of up to six months, effectively meaning that households that were due to submit a periodic report in March, April or May, will not have to submit a periodic report, nor will one have to be processed for them before their next recertification.

Periodic report mailers for households due for April and May report submission may still be produced and sent on their normal schedule, but households due to file reports in April and May will not be required to return them and districts will not be required to process them. Returned mailers should be evaluated for changes that would increase benefits and process these cases so that recipients will receive the increased benefits. Unless a further waiver is granted, normal periodic report processing will resume for households due to return a report in June.

Q2. Should districts take negative action on households that do not return the NYSNIP Interim Reports?

A2. The FNS waiver described in A1 above also permits OTDA to delay the processing of NYSNIP Interim Contact reports for households due to file a periodic report during March, April and May. The waiver approves a delay in processing of up to six months, effectively meaning that, households that were due to submit a periodic report in March, April or May, will not have to submit an Interim Contact, nor will one have to be processed for them before their next recertification.

NYSNIP Interim Contacts may still be produced and mailed to households due for April and May report submission on their normal schedule, but households due to respond to Interim Contacts in April and May will not be required to respond to them and districts will not be required to process any returned Interim Contacts. Returned reports should be evaluated for changes that would increase benefits and process these cases so that recipients will receive the increased benefits. Unless a further waiver is granted, normal NYSNIP Interim Contact processing will resume for households due to return a report in June.

Q3. Will districts have to establish claims for overpayments that occur due to the extension of certification periods, not taking negative action on periodic reports or due to other extraordinary measures being taken to approve cases and issue benefits during this emergency?

A3. As part of its waiver request to extend certification periods, OTDA had requested permission to waive the establishment of claims on overpayments on new applications recertifications and cases due to file periodic reports while the COVID-19 public health crisis persists. However, to date, USDA has not responded to that waiver request.

Please note that, currently, OTDA's federally-approved State Plan requires claim establishment only on overpayment claim amounts of \$500 or more.

Q4. Many new applicant households are reporting that they have been furloughed or laid off due to the COVID-19 emergency and now have no income. How should local district verify that these new applicants do not have any income?

- A4. Districts may request, but not require, documentation to support the assertion of job loss or loss of income, or \$0 income. If someone is alleging that they have lost a job and income due to a layoff or furlough, districts have a few tools that may be of use, such as the Work Number (TALX) and access to Unemployment Insurance Benefit information. Districts should determine if someone who has been furloughed or laid off appears to be eligible for UIB and, if so, the district can check to see if UIB is being received. If an applicant or recipient is not yet in receipt, the district can flag the case for follow-up. A district may also request but not require that the applicant/recipient provide verification from the employer, but if it can't be provided, the district must accept the applicant's or recipient's attestation and may not delay processing. If someone is self-employed and not eligible for UIB and they completely lose their income, then, absent discrepant information, their self-attestation of loss of income is sufficient.
- Q5. Will March still be the sample month for the SNAP Management Evaluation (ME) review case pull?
- A5. Given the extraordinary circumstances at this time, another month – likely February, possibly January will be selected for ME case reviews.
- Q6. Can districts take action for an affirmative misrepresentation (in other words, fraud)?
- A6. Yes. All of the options addressed in this GIS are being done to offer the districts tools they need to focus on the essential work of providing benefits to people who need them. It does not mean ignoring potential fraud.
- Q7. Can the State provide laptops for district workers to use to process cases remotely?
- A7. No, OTDA does not have a surplus of laptops to distribute. Districts may use any unspent SNAP Bonus Funds to purchase them. All expenditures must occur by 06/30/2020 and be **claimed** by 07/31/2020.

Employment Activities

- Note:** During the current public health crisis and until otherwise instructed by OTDA, districts must not take negative action against applicants or recipients for non-compliance with an employment requirement that requires in-person contact. It is appropriate for districts to refrain from making new work assignments that cannot be completed at home and to provide good cause exceptions for noncompliance for infractions incurred during this public health crisis. Districts must suspend all required in-person work activity assignments until further notice and are encouraged to provide assistance to those seeking help obtaining a job to find work that is deemed an essential service (see www.esd.ny.gov for the listing of essential businesses) or engagement in educational or job readiness activities on-line to prepare for future employment opportunities.
- Q1. If an individual request to have their employment sanction lifted and the district does not have an appropriate in-home employment activity available for the individual to demonstrate compliance due to the State disaster emergency, can the district lift the sanction?
- A1. If an otherwise-eligible individual request to have a durational sanction lifted after the duration has ended, the district should lift the sanction and may only require an appropriate in-home available activity to demonstrate compliance.
- Q2. During this State COVID-19 emergency are districts able to suspend sending the [LDSS-5072](#) Informational Letter Regarding Able-Bodied Adults Without Dependents (ABAWD) Requirements and the [LDSS 5127](#) ABAWD Work Activity Letter?
- A2. Yes, Congress passed the Families First Coronavirus Response Act which allows states to suspend the time limit for ABAWDs participation in the Supplemental Nutrition Assistance Program

(SNAP) from April 1, 2020 until the end of the month after the public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.

Districts must not impose ABAWD requirements at this time, and until otherwise instructed by OTDA.

- Q3. During the State COVID-19 emergency, are districts still required to conduct the employment assessment within 90 days of the date of eligibility for households with dependent children?
- A3. Yes. This is a federal requirement and cannot be waived. As indicated in [GIS 20 TA/DC016](#), districts are reminded that employment assessments and employment plans for applicants and recipients may be completed via telephone contact (and should be done so during this time period), in order to comply with the 90-day requirement to complete the employment assessment for adults in households with dependent children. Districts should mail copies to the individual of completed/updated employment plans discussed during telephone calls.
- Q4. How should district's handle ABAWD cases where the third tracked month is March 2020?
- A4. Districts were previously instructed to grant good cause for failure to meet ABAWD requirements in March 2020 and to cite good cause referencing [GIS 20 TA/DC016](#).

General Reminders and Recommendations

As a reminder, all districts are expected stay open during regular business hours Monday through Friday, and they must continue to meet emergency needs.

Additionally, districts are reminded that they must have after hours procedures in place to handle emergencies.

Please see [20 TA/DC013](#) for additional information.